UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,584	07/06/2001	Takehiko Nakano	SONY JP 3.0-187	4124

7590   04/13/2006

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EXAMINER
CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/900,584	NAKANO, TAKEHIKO
	Examiner	Art Unit	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's arguments filed January 30, 2006 and November 28, 2005, have

been fully considered.

2.   Claims 1-6 and 8-13 are pending and have been examined. Claim 7 has been

cancelled.

Response to Amendment

3.   The following prior art has been used in this Office Action: Yoshiura et al. (US

Patent 6,131,162, hereinafter Yoshiura), Iida (US Patent 6,209,787),

4.   Regarding Applicant's arguments that Yoshiura does not disclose or suggest

that the signature verifying module receives authentication information from the

purchaser system and that the signature verifying module receives authentication

information when the purchaser system requests permission to receive the encrypted

content, Examiner directs Applicant's attention to the fact that Yoshiura teaches

authenticating a purchaser to prevent content from being copied illegally (column 11,

lines 20-67). Furthermore, regarding Applicant's arguments that Yoshiura does not

disclose or suggest that the signature verifying module determines whether the

authentication information is valid, Examiner again directs Applicant's attention to

Yoshiura (column 11, lines 20-67), and further, to Applicant's own admission appearing

in the specification (pages 10-11) where it discloses using public key encryption. Even

assuming Yoshiura does not teach that the signature verifying module determines

whether the authentication information is valid, Examiner submits that, in view of

Yoshiura's teachings and the conventional and well known uses of Public Key

Encryption, Applicant's arguments are not persuasive. The remaining arguments are

also not persuasive in view of the above response. Yoshiura teaches transmitting unit,

and using digital signatures and public key encryption. Using public key encryption and

digital signatures to provide authentication, data integrity, and non-repudiation was

conventional and well known at the time the invention was made, thus, Applicant's

arguments are not persuasive.

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   **Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Yoshiura, and further in view of Iida.

        Regarding claim 1, Yoshiura teaches an encryption unit operable to encrypt the

content (column 11, lines 20-67, column 12, lines 1-28); an authentication unit operable

to receive authentication information from the another apparatus when the another

apparatus requests permission to receive the encrypted content, and to determine

whether the authentication information is valid (column 11, lines 20-67); a first obtaining

unit operable to obtain identification information of the another apparatus from the

authentication information when the authentication information is valid and to determine

whether the identification information of the another apparatus is already stored in a

storage unit (column 3, lines 1-67, column 11, lines 20-67, column 14, lines 1-67); a

transmitting unit operable to transmit a decryption key to the another apparatus when

the authentication information is valid, the decryption key being needed to decrypt the

encrypted content (column 12, lines 1-50, column 13, lines 1-50); and said storage unit

being operable to store the identification information of the another apparatus when the

identification information of the another apparatus is not already stored in said storage

unit (column 12, lines 1-50, column 13, lines 1-50). Yoshiura does not expressly

disclose incrementing a counter of allowed receivers. However, Iida teaches

incrementing a usage count if a requester information is verified (column 47, lines 20-

67, column 48, lines 1-67). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to use such counting

mechanism with the system of Yoshiura. One of ordinary skill in the art would have

been motivated to do so to keep track of usage of digital contents and for accounting

purposes (Iida, column 2, lines 1-67).

Regarding claims 4 and 5, Yoshiura teaches encrypting the content (column 11,

lines 20-67, column 12, lines 1-28); receiving authentication information from the

another apparatus when the another apparatus requests permission to receive the

encrypted content (column 11, lines 20-67); determining whether the authentication

information is valid (column 3, lines 1-67, column 11, lines 20-67, column 14, lines 1-

67); obtaining identification information of the another apparatus from the authentication information when the authentication information is valid (column 3, lines 1-67, column 11, lines 20-67, column 14, lines 1-67); determining whether the identification information of the another apparatus is already stored (column 3, lines 1-67, column 11, lines 20-67, column 14, lines 1-67); transmitting a decryption key to the another apparatus when the authentication information is valid, the decryption key being needed to decrypt the encrypted content (column 12, lines 1-50, column 13, lines 1-50); storing the identification information of the another apparatus when the identification information of the another apparatus is not already stored (column 12, lines 1-50, column 13, lines 1-50). Yoshiura does not expressly disclose incrementing a counter of allowed receivers. However, Iida teaches incrementing a usage count if a requester information is verified (column 47, lines 20-67, column 48, lines 1-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such counting mechanism with the system of Yoshiura. One of ordinary skill in the art would have been motivated to do so to keep track of usage of digital contents and for accounting purposes (Iida, column 2, lines 1-67).

Regarding claim 6, Yoshiura teaches a first transmitting unit operable to transmit to the first apparatus a request for permission to receive the content (column 11, lines 20-67); a first authentication unit operable to perform a first authentication procedure with the first apparatus (column 11, lines 20-67); a receiver operable to receive a first decryption key from the first apparatus when the first authentication procedure is successful (column 12, lines 1-50, column 13, lines 1-50); a decryption unit

operable to use the first decryption key to decrypt encrypted content received from the first apparatus (column 12, lines 1-50, column 13, lines 1-50); a re-encryption unit operable to re-encrypt the decrypted content (column 16, lines 30-67, column 17, lines 1-67); a second authentication unit operable to receive authentication information from the second apparatus when a request for permission to receive the content is made from the second apparatus and to determine whether the authentication information is valid (column 24, lines 1-67); a first obtaining unit operable to obtain identification information of the second apparatus from the authentication information when the authentication information is valid and to determine whether the identification information of the second apparatus is already stored in a storage unit (column 3, lines 1-67, column 11, lines 20-67, column 14, lines 1-67); a second transmitting unit operable to transmit a second decryption key to the second apparatus when the authentication information is valid, the second decryption key being needed to decrypt the re-encrypted content (column 12, lines 1-50, column 13, lines 1-50); and said storage unit being operable to store the identification information of said second apparatus when the identification information of the second apparatus is not already stored in said storage unit (column 12, lines 1-50, column 13, lines 1-50). Yoshiura does not expressly disclose incrementing a counter of allowed receivers. However, Iida teaches incrementing a usage count if a requester information is verified (column 47, lines 20-67, column 48, lines 1-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such counting mechanism with the system of Yoshiura. One of ordinary skill in the art would have

been motivated to do so to keep track of usage of digital contents and for accounting

purposes (Iida, column 2, lines 1-67).

Regarding claims 10 and 11, Yoshiura teaches transmitting to the first

apparatus a request for permission to receive the content (column 11, lines 20-67);

performing a first authentication procedure with the first apparatus (column 11, lines 20-

67); receiving a first decryption key from the first apparatus when the first authentication

procedure is successful (column 12, lines 1-50, column 13, lines 1-50); decrypting,

using the first decryption key, encrypted content received from the first apparatus

(column 12, lines 1-50, column 13, lines 1-50); re-encrypting the decrypted content

(column 16, lines 30-67, column 17, lines 1-67); receiving authentication information

from the second apparatus when a request for permission to receive the content is

made from the second apparatus (column 24, lines 1-67); determining whether the

authentication information is valid (column 3, lines 1-67, column 11, lines 20-67, column

14, lines 1-67); obtaining identification information of the second apparatus from the

authentication information when the authentication information is valid (column 3, lines

1-67, column 11, lines 20-67, column 14, lines 1-67); determining whether the

identification information of the second apparatus is already stored (column 3, lines 1-

67, column 11, lines 20-67, column 14, lines 1-67); transmitting a second decryption key

to the second apparatus when the authentication information is valid, the second

decryption key being needed to decrypt the re-encrypted content (column 12, lines 1-50,

column 13, lines 1-50); storing the identification information of the second apparatus

when the identification information of the second apparatus is not already stored

(column 12, lines 1-50, column 13, lines 1-50). Yoshiura does not expressly disclose incrementing a counter of allowed receivers. However, Iida teaches incrementing a usage count if a requester information is verified (column 47, lines 20-67, column 48, lines 1-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such counting mechanism with the system of Yoshiura. One of ordinary skill in the art would have been motivated to do so to keep track of usage of digital contents and for accounting purposes (Iida, column 2, lines 1-67).

Regarding claim 2, the combination of Yoshiura and Iida teaches the limitations as set forth under claims 1 above. Furthermore, Yoshiura teaches wherein the another apparatus is operable to transmit the encrypted content to a plurality of further apparatuses over the network (column 11, lines 20-67, column 12, lines 1-67), and said information processing apparatus further comprises: a second obtaining unit operable to obtain a first value and a second value from the another apparatus when the authentication information is valid, the first value being a number of apparatuses in the plurality of further apparatuses that are newly requesting to receive the encrypted content, and the second value being a total number of apparatuses in the plurality of further apparatuses (column 19, lines 20-67, column 20, lines 1-67, column 22, lines 1-67) and Iida teaches incrementing a usage count if a requester information is verified (column 47, lines 20-67, column 48, lines 1-67).

Regarding claims 3 and 9, the combination of Yoshiura and Iida teaches the limitations as set forth under claims 1 and 6 respectively above. Furthermore, Yoshiura

teaches an information updating unit operable to delete the identification information stored in said storage unit and to reset the count of the total number of apparatuses to receive the encrypted/re-encrypted content when said (second) decryption key is changed (column 25, lines 1-67).

Regarding claim 8, the combination of Yoshiura and Iida teaches the limitations as set forth under claims 6 above. Furthermore, Iida teaches using a counting unit to determine number of times used (column 47, lines 20-67, column 48, lines 1-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such counting mechanism with the system of Yoshiura and send the number of users or devices that may receive the content. One of ordinary skill in the art would have been motivated to do so to keep track of usage of digital contents and for accounting purposes (Iida, column 2, lines 1-67).

Regarding claim 12, the combination of Yoshiura and Iida teaches the limitations as set forth under claims 1 above. Furthermore, Yoshiura teaches wherein the authentication information includes first authentication information and second authentication information (column 17, lines 1-67), and said authentication unit includes: a first authentication subunit operable to receive the first authentication information from the another apparatus when the another apparatus requests permission to receive the encrypted content, and to determine whether the first authentication information is valid (column 11, lines 20-67); and a second authentication subunit operable to transmit a request for the second authentication information to the another apparatus when the first authentication information is valid, to receive the second authentication information

from the another apparatus, and to determine whether the second authentication

information is valid (column 11, lines 20-67, column 12, lines 1-28, column 24, lines 1-

67); said transmitting unit being operable to transmit the decryption key to the another

apparatus when the second authentication information is valid (column 13, lines 1-67).

Regarding claim 13, the combination of Yoshiura and Iida teaches the

limitations as set forth under claims 6 above. Furthermore, Yoshiura teaches wherein

the authentication information includes first authentication information and second

authentication information (column 17, lines 1-67), and said second authentication unit

includes: a first authentication subunit operable to receive the first authentication

information from the second apparatus when the second apparatus requests permission

to receive the content, and to determine whether the first authentication information is

valid (column 11, lines 20-67); and a second authentication subunit operable to transmit

a request for the second authentication information to the second apparatus when the

first authentication information is valid, to receive the second authentication information

from the second apparatus, and to determine whether the second authentication

information is valid (column 11, lines 20-67, column 12, lines 1-28, column 24, lines 1-

67); said second transmitting unit being operable to transmit the second decryption key

to the second apparatus when the second authentication information is valid (column

13, lines 1-67, column 16, lines 1-67).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

9.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

CHRISTOPHER REVAK
PRIMARY EXAMINER

CR 4/12/06